



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

147577

APR 02 1992

REPLY TO THE ATTENTION OF:
HSM-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Terrence B. DeWeerd
Secretary-Treasurer
Decker Manufacturing Corporation
703 North Clark Street
Albion, MI 49224

Re: Supplemental Request for Information pursuant to Section 104(e) of CERCLA for the Albion-Sheridan Township Landfill, Albion, Michigan.

Dear Mr. DeWeerd:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at the Albion-Sheridan Township Landfill, Albion, Michigan, hereinafter referred to as "the Site". To that end, U.S. EPA sent you an Information Request on September 23, 1988, pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499. U.S. EPA is in receipt of your response dated October 27, 1988, however, U.S. EPA has determined that further information is needed pursuant to the above-cited investigation. You are hereby requested to respond to the enclosed Supplementary Information Requests within thirty (30) days of receipt of this letter.

As with the initial Information Requests, compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within 30 days, or to justify adequately such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e) (5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued noncompliance. "Noncompliance" is considered by U.S. EPA to be not only failure to respond to the Requests, but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten

thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. 1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors and employees and its subsidiaries, divisions, facilities and their officers, directors and employees. The relevant period for this Request is 1966 to 1981.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

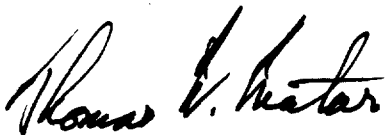
To ensure proper handling, your response to this Information Request should only be mailed to:

Paul J. Rogers
Superfund Program Management Branch, HSM-5J
U. S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604

Please direct any questions concerning this information request to Paul J. Rogers at (312) 353-8069. Please direct any legal questions you may have to Kurt Lindland at (312) 886-7152. Please direct any technical questions regarding the site to Mary Beth Novy at (312) 353-7556.

Thank you for your cooperation in this matter.

Sincerely,



Thomas Mateer, Acting Chief
Superfund Program Management Branch

enclosure

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to the Respondent as of the date of submission of his/her response, and should information later become known by or available to the Respondent, Respondent must supplement his/her response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of his/her response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, releases, spills, disposal or other handling practices of the Respondent between 1966 and 1981. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the

date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et. seq. (September 8, 1978); 50 Federal Register 51654 et.seq. (December 18, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.
10. U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" and "the Facility" shall mean and include the property on or about the Albion-Sheridan Township Landfill in Albion, Michigan. The Albion-Sheridan Township Landfill is located approximately one mile east of Albion, Michigan between Michigan Avenue (also known as U.S. Highway 99 or old U.S. Highway 12) and East Erie Road. The area is also defined as Lot 27 and Lot 28 of the Supervisor's Plat.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances including petroleum products.
5. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes, solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.
11. The terms, "furnish", "describe", "identify" or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained. If such information has been or can be obtained from current or former employees, you must submit a written response reflecting the information obtained and/or conduct all appropriate interviews and submit a written response reflecting the information responsive to the request obtained from such interviews.
12. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
15. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
16. "Transaction" or "Transact" means every separate act, deal, instance, occurrence, sale, transfer, giving, delivery, change in ownership, or change in possession.
17. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

18. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40CFR Part 300 or 40CFR Part 260-280, in which case the statutory or regulatory definitions shall apply.

SUPPLEMENTAL INFORMATION REQUESTS
Albion-Sheridan Township Landfill Superfund Site

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.
5. Identify all waste materials Respondent arranged to dispose of or arranged to have transported for disposal at the Site. This identification should include, but not be limited to, the following:
 - a) The persons with whom you made such arrangements;
 - b) Every date on which such arrangements took place;
 - c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
 - e) All tests, analyses, and analytical results concerning the waste materials;
 - f) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
 - g) The amount paid in connection with each transaction, the method of payment, and the identity of the person to whom payment was made;
 - h) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until

they were deposited at the Site, and all markings on such containers;

- i) The price paid for (i) transport (ii) disposal or (iii) both of each waste material and hazardous substance;
 - j) All documents containing information responsive to (a) - (i) above or in lieu of identification of all relevant documents, provide copies of all such documents; and
 - k) All persons with knowledge, information, or documents responsive to (a) - (j) above.
6. As mentioned in Respondent's October 27, 1988 response, identify all "petroleum based products" which Respondent stated, "would spill on the floor," and which, "would have gone to the Site." This identification should include, but not be limited to, the common and trade names of the product, the chemical content, characteristics, physical state (e.g., solid, liquid) of the material, all material safety data sheets and the process for which the substance was used or the process which generated the substance.
7. If not fully identified in response to number six (6) above identify all used oils and sludges which were generated by Respondent and disposed of at the site. This identification should include, but not be limited to, the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance.
8. Submit copies of any and all contracts, agreements or other documents which state, describe, reference or relate to any relationship between Respondent and Gordon Stevick, the City of Albion or any other person for the disposal of waste material at the Site.
9. Identify all transporters used by Respondent to dispose of waste material during the period 1966 to 1981. For each such transporter identify the following:
- a) The name, address and telephone number of the transporter;
 - b) All contracts and agreements relating to the disposal of waste material;
 - c) The dates during which the transporter was used to dispose of waste material:

- d) The type of waste hauled by each transporter for Respondent; and
 - e) The location at which each transporter disposed of the waste material.
10. Identify all liability insurance policies held by Respondent during the period 1966 to 1981. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.
11. If Respondent is a Corporation, respond to the following requests:
- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
 - b) Provide Respondent's financial statements for the last three fiscal years, including, but not limited to those filed with the Internal Revenue Service and/or the Securities Exchange Commission.
 - c) Identify the Parent Corporation and all subsidiaries of the Respondent.
 - d) If Respondent has had any changes in corporate name, ownership or structure or has obtained an interest in or dissolved itself of an interest in any other corporation, subsidiary, division or other entity, identify each such transaction. State if the transaction consisted of a merger, consolidation, sale or transfer of assets and submit all documents relating to such transaction including all documents pertaining to any agreements, express or implied, for the purchasing corporation to assume the liabilities of the selling corporation.
12. If Respondent is a Partnership, provide copies of the Partnership Agreement.